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STATE CORPORATION AS PARTY IN FEDERAL COURTS. — The increasing frequency with which state corporations are appearing as parties in the federal courts calls forth a timely and suggestive expression of opinion from the Hon. Francis E. Baker, Judge of the Seventh Circuit Court of the United States. *The State Corporation as a Party in Federal Courts*, 13 Am. Law. 7 (Jan. 1905). Since a corporation is held not to be a "citizen," it has been necessary, in order to bring corporations within the "citizenship" jurisdiction of the federal courts, to look behind the corporate entity and take cognizance of the rights of the stockholders as citizens. The law arising from this necessity has gone through three successive stages, according to Judge Baker. The first, represented by *Bank of U. S. v. Deveaux* (5 Cranch [U. S.] 61), established a rebuttable presumption, at that time in the main true in fact, that a corporation is composed of citizens of the chartering state. But with the increased facilities for travel and intercommunication between the states, and the resultant diversity of citizenship among the stockholders of corporations, came the need of adjusting the rule to these new conditions. Accordingly, the second stage was reached in the case of *Louisville, etc., R. R. Co. v. Letson* (2 How. [U. S.] 497) which adopted the view that a corporation being an artificial person created by the state is, as such, deemed to be a citizen of that state for the purpose of suing and being sued. This fiction, however, appears almost uniformly in subsequent cases as an irrebuttable presumption that the stockholders of a corporation are citizens of the chartering state, and in that form it receives the writer's support. The distinguishing features of the third stage are the migratory and consolidated corporations holding charters from two or more states. After considerable diversity of decision, the plurality conception of these corporations as having separate existence in each of the chartering states seems for the purposes of determining federal jurisdiction to be now in the ascendancy, although it is not clear whether the fiction of citizenship attaches to any one of the chartering states as a matter of choice or is limited to the state of original charter. *Chicago, etc., Ry. Co. v. Whitton*, 13 Wall. (U. S.) 270; *Southern Ry. Co. v. Allison*, 190 U. S. 326. In either event access to the federal courts is thereby often afforded in a chartering state even for the settlement of controversies with the citizens of that state. This view, in Judge Baker's opinion, is indefensible. With respect to migratory corporations, it disregards the limitation which at the outset justified the fiction, namely, the existence of the corporation's principal offices and business headquarters within the chartering state; with respect to consolidated corporations, it overrides the solidarity conception which has always prevailed in non-jurisdiction cases.

The conclusions submitted by Judge Baker as applicable to corporations holding charters from two or more states are, briefly stated, that the solidarity conception should be true in law as it is in fact; that the habitat of such a corporation should be regarded as co-extensive with its charters; and that the irrebuttable presumption should be that such a corporation, having its headquarters within its habitat, is composed jointly of citizens of the several chartering states.

WIRELESS TELEGRAPHY IN WAR. — Some questions of novelty and importance in international law have been raised by two incidents of the Russo-Japanese war. The first of these was the installation and operation by Russia, during the siege of Port Arthur, of a wireless telegraphic station, situated in Chinese territory, and used to transmit messages from the blockaded city to St. Petersburg. The other was the publication in April, 1904, of a note addressed to the neutral powers, which stated, in substance, that the Russian government proposed to treat as spies all war correspondents making use of wireless telegraphy within the zone of Russian naval operations. These instances of the bearing of wireless telegraphy upon the rights and obligations of neutrals and belligerents are discussed in a recent article by an acknowledged authority. *Wireless Telegraphy in War*, by T. S. Woolsey, 14 Yale L. J. 247 (March, 1905). The author's conclusion in regard to the first incident, that China was